



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: PROPERTY MAINTENANCE/PROPERTY MANAGEMENT ORDINANCE PROPOSALS

MEETING DATE: August 28, 1991

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration and direction regarding property maintenance/property management ordinance formats.

BACKGROUND INFORMATION: As the Council will recall, the newly adopted General Plan calls for adoption of a "property maintenance" ordinance to promote the general quality of life and to help protect property values in the City. The Council has also recently inquired as to the possibility of a "property management" ordinance to deal with deteriorating housing and its associated problems of drugs and crime.

Since the topics appear related, it seems practical to handle both in one comprehensive ordinance rather than to approach the problems piecemeal. A special City Council meeting has been scheduled for August 28, 1991 for that purpose.

Before starting to draft the ordinance, the assistance of the Police, Community Development, and Public Works Departments was obtained, as well as input from the business community. Numerous problems were discussed, along with possible ways of handling them. Ordinances from several other cities were examined and I spoke personally with a number of staff members from other jurisdictions who had the responsibility of enforcing such ordinances.

I discovered there are many possible ways to approach the problems. Because of the number of available options, no attempt has been made to put together a draft ordinance at this time. Instead, below are described various elements or components of an ordinance from which the Council may choose those that are deemed appropriate for Lodi's situation.

APPROVED. _____

THOMAS A. PETERSON
City Manager

recycled paper

RESIDENT MANAGER ORDINANCE

It has been proposed for purposes of discussion that the City require a resident manager for all multi-family housing units having (for example) more than four units. The purpose would be to avoid deterioration of housing by having someone present to perform maintenance and to discourage use of certain housing for drug dealing or usage.

This proposal has generated comment by both members of the public and the real estate industry (attachment). Comments received at previous Council meetings indicate that some residents strongly believe such regulations would be desirable and effective, while the real estate industry generally feels they would have an adverse effect on rentals and may not be financially practical.

In preparing this report, a rather obscure regulation adopted by the State Department of Housing (apparently in 1989) came to light. Title 25, Section 42 of the California Code of Regulations (attached) requires a resident manager for apartment complexes with sixteen or more apartments and for hotels with twelve or more rooms if the owner does not reside on site. For apartments with more than four but less than sixteen units, a sign with the owner's or agent's name and address must be conspicuously posted. I don't know how widely this ordinance's requirements are observed or even what percentage of apartment owners know of its existence. The regulation was called to my attention by members of the California Association of Realtors, so I suspect that a significant number of owners are aware of it.

I do not believe this State regulation preempts the field, so as to prevent cities from adopting more stringent ordinances if desired. Cities are only prohibited from adopting further regulations on a given topic if the State Legislature has acted "by a comprehensive plan" to occupy the entire field. As such, if the Council chose to impose resident manager requirements for apartment buildings having fewer units than sixteen, I believe it could legitimately do so.

NUISANCES ORDINANCES

This seems to be the most common type of ordinance used elsewhere to protect health, safety and property values. At present, Lodi has no actual "nuisance" ordinance in place although the weed abatement program is of that general nature, and parts of the Uniform Codes which the City has adopted by reference arguably cover some types of nuisances. It may be in the City's best interest to consolidate and clarify these provisions.

Usually, a nuisance ordinance prohibits such things as (for example):

- ° Accumulations of dirt, debris or litter;
- ° Clothes lines or clothes hanging in front yards;
- ° Boxes, lumber, firewood, trash, salvageable materials, etc. allowed to accumulate in yards;
- ° Abandoned, broken or neglected equipment, machinery, refrigerators, stoves, or vehicle parts;
- ° Open excavations;
- ° Broken or discarded furniture or household goods;
- ° Accumulations of weeds, dead, decayed or diseased vegetation constituting an unsightly appearance or health and safety hazard;
- ° Some ordinances go so far as to define visibly deteriorated or peeling paint as a nuisance.

These ordinances provide for cleanup orders to be issued by a designated city official, and a summary hearing before (usually) the city manager or the manager's designee. Appeal is to the city council in most cases. Orders may include cleanup, abatement, or in extraordinary cases, demolition. Costs of enforcement are imposed on the property owner. This type of ordinance has been used by the City of Dublin with good results according to my conversation with Dublin staff.

This type of ordinance would require less staff time to administer than most of the other options discussed.

RENTAL INSPECTION ORDINANCES

The idea of requiring inspection of rental residential property each time the occupants change has been discussed. It is possible to do so, but this would require extensive time and effort and the probable addition of staff. Two types of inspection ordinances were located. They are discussed below.

A. Change of Occupancy Inspection.

The City of Azusa uses such a program and my conversation with them indicates there are two employees who handle the rental registration/inspection program full time. I am informed that the program is funded with approximately \$200,000 per year in Community Development Block Grant Funds. Azusa staff acknowledged there are some problems with the program, since not all rental owners register their properties voluntarily.

This ordinance has three parts; first, a registration requirement which gathers certain information for a file administered by the City; second, an inspection provision which calls for inspection of rental property every time the home is vacated and reoccupied. The inspection is triggered by an application for municipal utility services. The third element is a nuisance abatement component similar to the Dublin ordinance discussed above.

B. Yearly Inspection/Inspection Upon Sale.

A second and less time consuming type of program might involve an "inspection on sale" requirement. This is the approach used by the City of Davis. It requires that a certificate of occupancy be issued either yearly or when property is sold or transferred with a lease/purchase agreement, whichever occurs more frequently.

This approach would not require the registration of all rental properties, since it applies only to sales or lease/purchase options. It would still require a certain amount of citizen cooperation since the City would have no way of knowing about all lease/option agreements unless the information is volunteered.

Both the "change of occupancy" and "change of ownership" inspection plans would probably have to be funded by an inspection fee charged to the party requesting the inspection.

REGISTRATION OF RENTALS

It may also be desirable to require registration of rental property, even if no inspection program is involved. The reasons for this are twofold: first, having access immediately to the address and phone number of the rental owners would help staff if there is a problem such as a sewer line break. Second, it may also be possible to treat rental units as a business, so as to be subject to the City's business license provisions.

HEALTH AND SAFETY CODE PROVISIONS

It also appears possible to use provisions of State law (Health and Safety Code Section 11570 et seq.) to abate premises where drugs are being sold. This approach has never been used in Lodi before, probably because of the time and effort required. This program is used in Stockton, and is administered by the Police Department and City Attorney's office. It could be used here as a "last resort action", but time constraints would prohibit frequent use without additional staff.

Council direction is requested.

FUNDING: Unknown at this time.



Bob McNatt
City Attorney



VIP



Collins Realty

2401 West Turner Road

Suite 300, Woodlake Plaza

Lodi, California 95242

Fax (209) 360-0168. Residence (209) 368-6709

Business (209) 369-8436



Evelyn L. Rich
REALTOR®

Each Office Is Independently Owned And Operated



AUG 12 1991

City Attorney's Office

August 9, 1991

Mr. Bob W. McNatt
City Attorney
P. O. Box 3006
Lodi, CA 94241-1910

Dear Mr. McNatt:

As you may be aware, I am a local real estate broker. Through the Lodi Board of Realtors I received copies of letters that you have sent regarding both the proposed Right to Farm Ordinance and the memorandum concerning the City Council's consideration of resident manager/property maintenance ordinance formats.

While I am not on the Board of Directors of the Lodi Board of Realtors, I feel like my opinions must reflect the sentiments of those people in my business. I am dismayed that our Board of Directors has not communicated a vehement negative response concerning these two issues. Since they did **not**, I must believe that they didn't take the necessary time to really consider the ramifications of these proposed ordinances.

The Right to Farm Ordinance is, in my opinion, another governmental interference into private business. An ordinance **such** as this again makes a mountain out of a mole hill and by virtue of its existence, increases the liability of people in my business, as **well** as those people engaged in selling their properties. In my opinion, passage of such an ordinance is an attempt to relieve the City of Lodi of answering to the public regarding farm practices vis-a-vis residential rights. That is not such a big issue that the City should bestow upon the real estate industry the responsibilities of answering to those conflicts and by the way, just what are the "lawful and proper use of agricultural chemicals and pesticides". Perhaps your ordinance should go into complete detail as to what is lawful, what is proper and what exactly **will** be going on at each time of the year and how many and what kind of additional personnel are going to be necessary to perform these functions. **Gosh**, the more I think about it, the longer this ordinance ought to be!

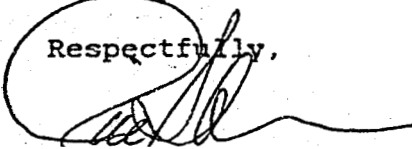
If the Right to Farm Ordinance is a waste of government official's time to consider then, in my opinion, consideration of the resident manager/property maintenance ordinance formats is an obscenity. I certainly am in favor of property owners maintaining their property

for both the reasons of maintaining their and other peoples' property values, as well as for simple beautification of our town. To legislate this issue as suggested, however, puts undue burdens on all good property owners and will obviously increase the cost of ownership of rental units. That business is already burdened by high property values and increasing difficulty to raise rents, as well as other legislative responsibilities. The City can certainly make use of its existing departments to investigate complaints and to act accordingly.

I feel that further elaboration on this issue is unnecessary. The entire proposal is ridiculous. I would be more than happy to communicate with you or the Council members as to my opinions on these issues from a professional standpoint. I believe that my 15 years in the real estate business lends substantial credibility to my thoughts.

I appreciate your time in considering my thoughts and I can assure you that they are also the thoughts of all those realtors that I have spoken to about these issues.

Respectfully,



JIM STURMAN, Broker
STURMAN JACOBSON ARBIOS PROPERTIES, INC.

JS:jf

cc: Mayor and City Council Members
City Hall
P. O. Box 3006
Lodi, CA 95241-1910

§ 26

BARCLAYS CALIFORNIA CODE OF REGULATIONS

Title 25

(10) An approved Testing Agency which does not list and label may be used in conjunction with an approved Listing Agency to perform the listing and labeling required to certify a manufacturer's foam building system.

(j) Approval—Approved Testing and/or Listing Agency.

(1) Any agency may officially request, in writing, Department approval.

(2) The information required in Subsection 24(i) shall be submitted accompanied by a fee in the amount of \$100.

(3) The Department shall:

(A) Acknowledge receipt of applications and fees.

(B) Review applicant's submissions within a reasonable time and advise him concerning the approval thereof.

(k) Revocation of Approval—Approved Testing and/or Listing Agency.

The Department may revoke its approval of an approved agency for cause. A Department revocation may be subject to appeal.

NOTE: Authority cited: Sections 17003.5, 17920.9, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.9, 17921, Health and Safety Code.

§ 28. Mechanical—Building Regulations.

All buildings and structures subject to the provisions of this subchapter shall comply with the basic mechanical requirements contained in Part 4, Title 24, California Administrative Code.

NOTE: The provisions contained in the Unfired Pressure Vessels Safety Order, California Administrative Code, Title 8, Part 1, Chapter 4, Subchapter 1, except as permitted or required by the Uniform Mechanical Code, when not otherwise subject to enforcement by the Division of Industrial Safety, Department of Industrial Relations, shall apply to this Subchapter.

NOTE: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, Health and Safety Code.

§ 28. Electrical—Building Regulations.

All buildings and structures subject to the provisions of this subchapter shall comply with the basic electrical requirements contained in Part 3, Title 24, California Administrative Code.

NOTE: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, Health and Safety Code.

§ 30. Plumbing—Regulations.

All buildings and structures subject to the provisions of this subchapter shall comply with the basic plumbing regulations contained in Part 5, Title 24, California Administrative Code.

NOTE: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921, 17922, Health and Safety Code.

Article 5. Existing Buildings

§ 32. Space, Occupancy, and Maintenance.

Except as otherwise permitted or required by Health and Safety Code, Division 13, Part 1.5 and this subchapter, the provisions of the 1988 edition of the Uniform Housing Code, Chapters 4, 5, 6 and Sections 701(b) and 701(c), as adopted by the International Conference of Building Officials, are hereby incorporated by reference and shall apply to buildings or structures subject to the provisions of this subchapter.

NOTE: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

HISTORY

1. Amendment filed 6-5-86; effective thirtieth day thereafter (Register 86, No. 23).

2. Amendment filed 5-24-89; operative 6-23-89 (Register 89, No. 22).

§ 34. Heating.

(a) Every dwelling unit and guest room used or offered for rent or lease shall continue to be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees F at a point three feet

above the floor in all habitable rooms and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager shall be required to provide said heat at a minimum temperature of 70 degrees F 24 hours a day. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

(b) The provisions of subsection (a) are subject to the exemption for existing buildings provided in Section 103(a) of the Uniform Housing Code.

(c) Those buildings and structures which are exempt from the requirements of subsection (a) shall be provided with heat at a temperature as close to 70 degrees as the existing heating facilities are capable of providing at a point three feet above the floor in all habitable rooms when the heating facilities are not under control of the tenant.

NOTE: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.3, 17921 and 17922, Health and Safety Code.

§ 36. Rehabilitation and Repair.

Rehabilitation and repair of existing buildings shall be subject to the requirements of Section 17922(c), Health and Safety Code.

NOTE: Authority cited: Sections 17003.5, 17921, 17922(c), 50061.5 and 50559, Health and Safety Code. Reference: Sections 17922(c) and 17958.8, Health and Safety Code.

§ 38. Garbage Receptacles.

An adequate number of appropriate receptacles with close-fitting covers for garbage and rubbish as may be considered necessary by the enforcing agency shall be provided for the occupant of every dwelling unit by the owner or operator of every apartment house, hotel or combination thereof. Each receptacle shall be kept in a clean condition and in good repair.

NOTE: Authority cited: Sections 17003.5, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.3 and 17922, Health and Safety Code.

§ 40. Bedding.

In every apartment house or hotel every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects. The bed linen in a hotel shall be changed before a new guest occupies the bed. In every dwelling unit where linen is furnished, the linen shall be changed before a new guest occupies the dwelling unit.

NOTE: Authority cited: Sections 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17920.3 and 17922, Health and Safety Code.

§ 42. Caretaker.

A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating his name and address, or the name and address of his agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

NOTE: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17910-17995, Health and Safety Code.

§ 44. Hotplates.

The use of hotplates existing in rooms prior to September 20, 1963 shall be in accordance with the provisions of Section 7921.1 of the Health and Safety Code.

NOTE: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921.1, Health and Safety Code.

Chapter 5.64

PROPERTY MAINTENANCE

Sections:

Article I. General Provisions

- 5.64.010 Definitions.
- 5.64.020 Enforcement authority designated—Civil actions available—
- 5.64.030 Violation—Penalty.

Article II. Nuisances

- 5.64.040 Residential property.
- 5.64.050 Nonresidential property.
- 5.64.060 Declaration of public nuisance.

Article III. Abatement Procedure

- 5.64.070 Notification of nuisance.
- 5.64.080 Administrative hearing—Generally.
- 5.64.090 Notice of hearing.
- 5.64.100 Administrative hearing—Procedure.
- 5.64.110 Nuisance finding—Procedure when no appeal.
- 5.64.120 Appeal procedure.
- 5.64.130 Appeal hearing procedure.
- 5.64.140 Decision by City Council.
- 5.64.150 Service of order to abate.
- 5.64.160 Filing appeal of city Council's decision—Time limit.
- 5.64.170 Abatement by city.
- 5.64.180 Demolition restrictions.

- 5.64.190 Notice of intent to demolish.

Article IV. Lien Procedure

- 5.64.200 Record of cost of abatement.
- 5.64.210 Assessment lien.
- 5.64.220 Notice of lien.

Article I. General Provisions

5.64.010 Definitions.

"Back yard" means that portion of property between a building and the back property line.

"Building" means any house, garage, duplex, apartment, condominium, stock cooperative, and other residential and nonresidential structures.

"City" means the city of Dublin.

"City Manager" means the City Manager or his designees.

"Front yard" means that portion of property between the street and a building.

"Owner" means any person owning property, as shown on the last equalized assessment roll for city taxes or the lessee, tenant or other person having control or possession of the property.

"Person" means any individual, partnership, corporation, association or other organization, however formed.

"Property" means (a) all nonresidential zoned real property and any building located on such property, referred to as nonresidential property; and (b) front yards, the unfenced portions of side yards, the unfenced portion of back yards of corner lots, driveways, walkways, and sidewalks of all residential real property

5.64.010

and shall include any building located on such property, referred to herein as residential property.

"Side yard" means that portion of property between a building and the side property line. (Ord. 13-88 §§ 1.1 — 1.9)

5.64.020 Enforcement authority designated—Civil actions available.

Nothing in this chapter shall be deemed to prevent the Council from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law. Violation of the provisions of this chapter constitutes an infraction. The City Manager is designated as the enforcement authority. (Ord. 13-88 § 5.1)

5.64.030 Violation—Penalty.

A. Any person, firm or corporation violating or causing, or permitting to be violated any of the provisions of this chapter shall be deemed guilty of an infraction.

B. Any person, firm, or corporation convicted of an infraction under the provisions of this chapter shall be punishable as provided in Government Code Section 36900. Any violation beyond the third conviction within a one-year period may be charged by the District Attorney as a misdemeanor and the penalty for conviction of the same shall be subject to a fine or imprisonment or both not to exceed the limits set forth in California Penal Code Section 19.

C. Each person, firm, or corporation shall be guilty of a separate offense for

each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly.

D. The City Manager shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this chapter. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions. (Ord. 13-88 § 5.2)

Article II. Nuisances

5.64.040 Residential property.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any residential property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, for an unreasonable period of time and are visible from a public street, except as may be allowed by any other provision of law; including provisions of city ordinances:

A. The accumulation of dirt, litter or debris;

B. Clotheslines or clothes hanging in front yards;

C. Boxes, bins, containers, fire wood, lumber, junk, trash, salvage materials, or other similar materials;

D. Attractive nuisances dangerous to children including abandoned, broken, or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds, and excavations;

E. Broken or discarded furniture: household equipment and furnishings *or* shopping carts;

F. Overgrown vegetation likely to harbor rats, vermin and other nuisances dangerous to public health, safety, and welfare, or obstructing a necessary view of drivers on public streets or private driveways;

G. Weeds, dead, decayed, diseased or hazardous trees, and other vegetation constituting an unsightly appearance or dangerous to public health, safety and welfare;

H. Graffiti on the exterior of any building, fence or other structure;

I. Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair;

3. Mobile homes, recreational vehicles, utility trailers, unmounted camper-tops, boats, cars, trucks, or other vehicles, that are parked or stored in violation of the zoning provisions; and/or

K. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction and such buildings which are unpainted or where the paint on the building exterior is mostly worn off. (Ord. 13-88 § 2.1)

5.64.050 Nonresidential property.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any nonresidential property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon for an unreasonable period of time and are

visible from a public street, except as may be allowed by any other provision of law including provisions of city ordinances:

A. The accumulation of dirt, litter, or debris;

B. Boxes, bins, containers, fire wood, lumber, junk, trash, salvage materials, or other similar materials;

C. Attractive nuisances dangerous to children including abandoned, broken, or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds, and excavations;

D. Broken or discarded furniture, household equipment and furnishings or shopping carts;

E. Overgrown vegetation likely to harbor rats, vermin and other nuisances dangerous to public health, safety, and welfare, or obstructing a necessary view of drivers on public streets or private driveways;

F. Weeds, dead, decayed, diseased or hazardous trees, and other vegetation constituting an unsightly appearance or dangerous to public health, safety and welfare;

G. Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair;

H. Mobile homes, recreational vehicles, utility trailers, unmounted camper-tops, boats, cars, trucks, or other vehicles, that are parked or stored in violation of the zoning provisions;

I. Graffiti on the exterior of any building, fence or other structure;

J. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction and such

5.64.050

buildings which are unpainted or where the paint on the building exterior is mostly worn off. (Ord. 13-88§ 2.2)

5.64.060 Declaration of public nuisance.

Any property found to be maintained in violation of Sections 5.64.040 or 5.64.050 is declared to be a public nuisance **and shall be** abated by rehabilitation, removal, demolition, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or **restrict** the **City** from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 13-88§ 2.3)

Article III. Abatement Procedure

5.64.070 Notification of nuisance.

Whenever the City Manager determines that any property within the city is being maintained contrary to one or more of the provisions of Sections 5.64.040 and 5.64.050, he shall give written notice, "Notice to Abate", to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event less than seven (7) calendar days, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of Section 5.64.090 covering service in person or by mail. (Ord. 13-88 § 3.1)

5.64.080 Administrative hearing —
Generally.

In the event the owner shall fail, neglect or refuse to comply with the "Notice to Abate," the City Manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance. (Ord. 13-88 § 3.2)

5.64.090 Notice of hearing.

Notice of said hearing shall be served upon the owner not less than seven (7) calendar days before the time fixed for hearing. Notice of hearing shall be served in person, by first class mail, or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

**NOTICE OF ADMINISTRATIVE
HEARING ON ABATEMENT OF
NUISANCE**

This is a notice of hearing before the City Manager (or his designees) to ascertain whether certain property situated in the City of Dublin, State of California, known and designated as (street address) _____ in said City, and more particularly described as (assessor's parcel number) _____ constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair or demolition of buildings situated thereon. If said property, in whole or part, is

found to constitute a public nuisance **as** defined in this Ordinance and if the Same is not promptly abated by the owner, such nuisance **may** be abated by municipal authorities, in which case the cost **of** such rehabilitation, repair or demolition will be assessed upon such property and such costs, together with interest thereon, will constitute a lien upon such property -- until paid; **in addition, you may be cited for violation of the provisions of the City ordinances and subject to a fine.**

Said alleged conditions consist **of** the following:_____

The method(s) of abatement are:_____

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard **and** given due consideration. Dated this ____ day of ____, 19__.

City Manager

Time and Date of Hearing:_____

Location of Hearing:_____

(Ord. 13-88§ 3.3)

5.64.100 Administrative hearing— Procedure.

A. At the time stated in the notice, the City Manager shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath relative to such alleged public nuisance and to proposed rehabilitation, repair, removal or demolition of such property. The hearing may be continued from time to time.

B. If the **City** Manager finds that such **public** nuisance does exist **and** that there is sufficient cause to rehabilitate, demolish, remove or repair the same, the City Manager **shall** prepare findings and an order, **which shall** specify the nature of the nuisance, the method(s) of abatement **and** the time within which the work shall be commenced and completed. The order shall include reference to the right to appeal set forth in Section 5.64.120. **A** copy of the findings and order shall be served on **all** owners of the subject property in accordance With the provisions of Section 5.64.090. In addition, a copy of the findings and order shall be forthwith conspicuously posted on or near the property. (Ord. 13-55§ 3.4)

5.64.110 Nuisance finding— Procedure when no appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered the City Manager shall cause the same to be abated by City employees or private contract. The costs shall be billed to the owner, as specified in Section 5.64.170.

The City Manager is expressly authorized to enter upon the property for such purposes. (Ord. 13-58§ 3.5)

5.64.120 Appeal procedure.

A. The owner may **appeal** the City Manager's findings and order to the City Council ("Council") by **filing an** appeal with the City Clerk within seven (7) calendar days of the date of service of the City Manager's decision. The appeal shall contain:

1. A specific identification of the **subject** property;
2. The names and addresses of all appellants;
3. A statement **of** appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signatures of all appellants; and
6. The verification of at least one (1) appellant as to the truth of the matters stated in the appeal.

B. As soon as practicable after receiving the appeal, the City Clerk shall set a date for the Council to hear the appeal which date shall be not less than seven (7) calendar days nor more than thirty (30) calendar days from the date the appeal was filed. The City Clerk shall give each appellant written notice of the time and the place of the hearing at least five (5) calendar days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the

appellant at his address shown on the appeal. Continuances of the hearing may be granted by the Council on request of the owner for good cause shown, or on the Council's own motion; (Ord. 13-88§ 3.6)

5.64.130 Appeal hearing procedure.

- A. All hearings shall be tape recorded.
- B. Hearings need not be conducted according to the technical rules of evidence.
- C. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- D. Oral evidence shall be taken only on oath or affirmation.
- E. Irrelevant and unduly repetitious evidence shall be excluded. (Ord. 13-58§ 3.9)

5.64.140 Decision by City Council.

Upon the conclusion of the hearing, the Council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the Council so finds, the Council shall adopt a resolution declaring such property to be a public nuisance, setting forth

its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event less than thirty (30) days. The decision and order of the Council shall be final. (Ord. 13-88§ 3.7)

5.64.150 Service of order to abate.

A copy of the resolution of the Council ordering the abatement of said nuisance shall be served upon the owner(s) of the property in accordance with the provisions of Section 5.64.090. Upon abatement in full by the owner, the proceedings hereunder shall terminate. (Ord. 13-88§ 3.5)

5.64.160 Filing appeal of City Council's decision—Time limit.

Any action appealing the Council's decision and order shall be commenced within thirty (30) calendar days of the date of service of the decision. (Ord. 13-88§ 3.11)

5.64.170 Abatement by city.

A. If such nuisance is not abated as ordered within the abatement period, the City Manager shall cause the same to be abated by city employees or private contract. The City Manager is expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty (30)

days thereafter. The term "incidental expenses" means and includes, but is not limited to, personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required hereunder.

B. A person shall not obstruct, impede, or interfere with the City Manager, or his representative, or with any person who owns, or holds any interest or estate in any property in the performance of any necessary act, preliminary to or incidental, carrying out an abatement order issued pursuant to Sections 5.64.100 and 5.64.140 of this chapter. (Ord. 13-88§ 3.10)

5.64.180 Demolition resmctions.

No property shall be found to be a public nuisance under Sections 5.64.040 K or 5.64.050 J and ordered demoiished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance. (Ord. 13-33§ 3.12)

5.64.190 Notice of intent to demolish.

A copy of any order or resolution requiring abatement by demolition under Secrions 5.64.100 or 5.64.150 shall be forthwith recorded with the Alameda County Recorder. (Ord. 13-58§ 3.13)

Article IV. Lien Procedure

5.64.200 Record of cost of abatement.

The City Manager shall keep an account of the cost, including incidental

5.64.200

expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render ~~an~~ itemized report in writing to the City Council showing the cost of abatement, including the rehabilitation, demolition or repair ~~of~~ said property, including any salvage value relating thereto; provided that ~~before~~ the report is submitted to the City Council, a copy ~~of~~ the same shall be posted for at least five (5) days upon or in front of such property, together with a notice of the time when said report shall be heard by the City Council for confirmation. A copy of the report and notice shall be served upon the owners of said property in accordance with the provisions of Section 5.64.090 at least five (5) calendar days prior to submitting the same to the City Council. Proof of the posting and service shall be made by affidavit filed with the City Clerk. (Ord. 13-58§ 4.1)

5.64.210 Assessment lien.

A. The total cost for abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the County Recorder of a Notice of Lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

B. After such confirmation and recordation, a certified copy of the council's decision shall be filed with the Alameda County Auditor-Controller or before August 1st of each year, whereupon it shall be the duty of the Auditor-Controller to add the amounts of the respective

assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

C. In the alternative, after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law. (Ord. 13-88§ 4.2 (part))

5.64.220 Notice of lien.

Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN (Claim of City of Dublin)

Pursuant to the authority vested by the provisions of Section ____ of Dublin Ordinance No. _____, the City Manager of the City of Dublin did on or about the ____ day of _____, 19____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Dublin did on the ____ day of _____, 19____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same

has not been paid nor any part thereof; and that said City of Dublin does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$____; and the same, shall be a lien upon said real property until the Same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Dublin;

County of Alameda, State of California, and particularly described as follows:

(description)

Dated this ____ day of _____, 19__.

City Manager
City of Dublin

(Ord. 13-83 § 4.2 (part))

JUN 20 1991
City Attorney's Office

ABATEMENT OF REAL PROPERTY NUISANCES

Chapter 15.08

ABATEMENT OF REAL PROPERTY NUISANCES*

Sections:

15.08.010	Designated.
15.08.020	Abatement.
15.08.030	Commencement of proceeding.
15.08.040	Hearing—Notice.
15.08.050	Same—Conduct.
15.08.060	Order of abatement.
15.08.070	Appeal.
15.08.080	Council action.
15.08.090	Notice of Council decision.
15.08.100	Cost of abatement.
15.08.110	Report—Hearing and proceedings.
15.08.120	Assessment of costs against property.
15.08.130	Alternatives.
15.08.140	Emergency abatement.
15.08.150	Violation—Penalty.

15.08.010: DESIGNATED. It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any real property in this City:

A. To maintain any building on property which constitutes a fire hazard or a danger to human life; or

B. To maintain the property, the topography or configuration of which, whether in natural state or as a result of grading operations, causes or will cause erosion, subsidence or surface water runoff problems which will or may be injurious to the public health, safety and welfare or to adjacent or nearby properties; or

C. To maintain or fail to maintain the property so as to allow the overgrowth of vegetation or the accumulation of debris so as to constitute a fire hazard to likely habitat for vermin; or

D. To maintain or fail to maintain the property, or any building or structure thereon, in such condition so that it is defective,

* Section 1 of Ord. 2217, 1984, repealed former Sections 15.08.010—15.08.030, derived from prior code Sections 8102, 8105, 8106; and Section 2 added a new Chapter 15.08, Sections 15.08.010—15.08.150.

BUILDINGS AND CONSTRUCTION

unsightly or in such condition of deterioration or disrepair that it causes or will cause an ascertainable diminution of the property values of surrounding properties or is otherwise materially detrimental to adjacent and nearby properties and improvements; or

E. To abandon or vacate any building or structure so that it becomes readily available to unauthorized persons, including but not limited to juveniles and vagrants; or

F. To cause or maintain any real property, structures thereon, or uses and activities thereon, to be in violation of any of the provisions of Title 15; Chapters 16.04, 16.08, 16.12 and 16.16 of Title 16; Title 18; and Title 19 of the Azusa Municipal Code; or

G. To store, discharge, hold, handle, maintain, use or otherwise deal with hazardous substances, as defined by applicable state or federal laws or regulations:

(a) In violation of federal, state or local laws or regulations; or

(b) In such a manner to affect in any way air or water quality; or

(c) In such a manner as to create an identifiable risk of accidental release of the substances, which release might adversely affect the health or safety of persons, damage property, or adversely affect air or water quality; or

H. To keep any animal, reptile or insect in such a manner as to pose a threat, disturbance, danger or menace to persons or property of another or in a public right-of-way; or

I. To keep, operate or maintain any machinery which by reason of its dust, exhaust or fumes creates a health or safety hazard; or

3. To fail to remove underground or aboveground storage vessels or tanks within six months after the use of such tanks or vessels ceases;

K. To maintain any building, structure or property in violation of the provisions of or in an unsafe or substandard condition as defined in the various building codes adopted pursuant to Section 15.04.010.

ABATEMENT OF REAL PROPERTY NUISANCES

L. To maintain any building or structure in violation of the earthquake requirements of the building codes approved by Section 15.04.010 or the provisions of Chapter 15.10 of the Azusa Municipal Code.

M. To operate or maintain any building or structure in violation of Chapter 15.40, Residential Rental Inspection.

N. To maintain any building, structure or property in violation of the State Housing Law set forth in Health and Safety Code Section 17910 et seq. as said law currently exists or may hereafter be adopted [mended].

O. To sell, convey or transfer any property without having complied with the provisions of Chapter 15.08, Real Property Records Report, of the Azusa Municipal Code. (Ord. 2433 § 1, 1990; Ord. 2217 § 2, 1984)

15.08.020 **ABATEMENT**. All or part of any real property, or structure located thereon found, as provided in this chapter, to constitute a public nuisance, shall be abated by the procedures set forth in this chapter. (Ord. 2217 § 2, 1984).

15.08.030 **COMMENCEMENT OF PROCEEDING**. Whenever the Director of Public Works or the Director of Planning and Community Development (hereinafter "Director") or their duly authorized representatives reasonably believes a nuisance exists, he may commence abatement proceedings under this chapter. The Director of Community Development or his duly authorized representative is hereby designated to enforce the provisions of the State Housing Law, set forth at Health and Safety Code Section 17910 et seq. as said law now exists or may hereafter & amended. (Ord. 2433 § 2, 1990; Ord. 2217 § 2, 1984).

15.08.040 **HEARING—NOTICE**. A. Where the Director finds that the nuisance exists, he shall give not less than seven days' written notice of the hearing to determine whether a nuisance exists to the owners of the affected properties as shown on the latest equalized tax assessment role by mailing the same to the owners address as indicated thereon, and further, within the same time period, by conspicuously posting on the affected property, building or structure a copy of the notice.

BUILDINGS AND CONSTRUCTION

B. The notice shall indicate the nature of the alleged nuisance, the description of the property involved, and the designation of the time and place of the hearing to determine whether the same constitutes a nuisance, and the manner of its proposed abatement if the same is found to be a nuisance.

C. The notice and order of abatement shall be served on every party by regular mail; however, the failure of any person to receive a notice shall not affect the validity of any proceedings under this chapter. (Ord. 2433 § 3, 1990; Ord. 2217 § 2, 1984).

15.08.050 SAME-CONDUCT. A. The hearing to determine whether a nuisance exists shall be conducted by the City Administrator or his duly authorized representative, who shall act as the Hearing Officer. The Hearing Officer is authorized to take testimony and in the course of so doing is authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure Section 2093(a).

B. At the hearing, the Hearing Officer shall consider all relevant evidence, including but not limited to applicable staff reports. He shall give any interested person a reasonably opportunity to be heard in conjunction therewith. Based upon the evidence so presented, the Hearing Officer shall determine whether a nuisance within the meaning of this chapter exists. (Ord. 2433 § 4, 1990; Ord. 2217 § 2, 1984).

15.08.080 ORDER OF ABATEMENT. A. The decision of the Hearing Officer shall be final and conclusive in the absence of an appeal as provided in this chapter.

B. The Hearing Officer shall, within five working days, give a copy of the written notice of his decision by regular mail to the owners as determined by Section 15.08.040, and to any other person requesting the same. The decision shall contain an order of abatement, if a nuisance is determined to exist, directed to the owner of the affected property or the person in the control and/or charge of the property, and shall set forth the nature of the nuisance, its location, and the time and manner for its abatement.

C. Where an appeal is filed as provided in this chapter, the order of abatement shall be suspended pending the review of the

ABATEMENT OF REAL PROPERTY NUISANCES

determination in the manner set forth in this chapter. (Ord. 2433 § 5, 1990; Ord. 2217 § 2, 1984).

15.08.070 APPEAL. A. The owner or any person in possession of the property or claiming any legal or equitable interest therein shall have the right of appeal to the City Council.

B. The appeal shall be filed with the City Clerk within five working days following the decision of the Hearing Officer. The appeal shall be in writing and shall state the grounds for the appeal.

C. The City Clerk shall set the matter for a *de novo* hearing before the Council at a date and time not less than ten nor more than thirty days following the filing of the appeal. The City Clerk shall then notify the appellant, by mail, of the date and time of the hearing. The City Council may continue the hearing date where necessary.

D. The Council may, by resolution, establish a fee for the processing of an appeal. (Ord. 2433 § 5, 1990; Ord. 2217 § 1, 1984).

15.08.080 COUNCIL ACTION. A. At the time and place set for such hearing, the City Council shall review the decision of the Hearing Officer and shall afford the appellant a reasonable opportunity to be heard in connection therewith.

B. The Council shall, by resolution, establish rules of procedure for the conduct of hearing appeals.

C. If the City Council finds from the relevant evidence presented at the hearing that the action taken was in conformity with the provision of the code, it shall require compliance with the order of abatement within thirty days after the mailing of a copy of its order to the affected property owner unless a period of time in excess of thirty days is specifically authorized within which to abate the nuisance.

D. If the nuisance is not abated within the thirty-day period or within such longer period as the Council may provide, the Director in expressly authorized and directed to enter upon the premises for the purpose of abating the nuisance. (Ord. 2433 § 5, 1990; Ord. 2217 § 2, 1984).

BUILDINGS AND CONSTRUCTION

15.08.090 NOTICE OF COUNCIL DECISION. A copy of the Council's order shall be mailed by regular mail to the owners as determined in Section 15.08.040, and to any other person requesting the same, by the City Clerk within five working days after the adoption thereof. The Council's decision shall be final and conclusive. Pursuant to Code of Civil Procedure Section 1091.6, any action to review the decision of the Council shall be commenced not later than the ninetieth day after the date the Council's order is adopted. (Ord. 2433 § 6, 1990; Ord. 2217 § 2, 1984).

15.08.100 COST OF ABATEMENT. A. Where the Director or his duly authorized representative and/or the City Attorney is required to cause the abatement of the public nuisance pursuant to the provisions of this chapter, he shall keep an accounting of the cost thereof, including incidental expenses for the abatement. "Costs and incidental expenses" includes, but is not limited to: the actual expenses and costs of the City in preparation of notices, specifications and contracts; inspection or the work; the cost of printings and mailings required under this chapter; any attorney's fees expended in the abatement of the nuisance, through civil action or otherwise; all costs and expenses for which the City may be liable under state law arising from or related to the nuisance abatement action; and all costs or expenses to which the City may be entitled pursuant to Health and Safety Code Section 510 and other statutory entitlements. Costs or expenses for which the City may be reimbursed shall begin to accrue at the time the City first receives a complaint regarding a problem on the property. Costs and expenses may be recovered even if the nuisance is corrected prior to a nuisance abatement hearing or an appeal hearing.

B. Costs shall be assessed at the conclusion of the abatement; provided, however, in the case of an abatement by any method which takes more than six months, costs may be assessed at any time after six months, but in no event more than two times a year.

C. The Director shall submit his itemized statement of costs to the City and shall set the same for a hearing before the City Administrator or his duly authorized representative ("Hearing Officer").

ABATEMENT OF REAL PROPERTY NUISANCES

D. The Director shall cause notice of the time and place of the hearing to be given to the owners of the property to which the same relate, and to any other interested person requesting the same by United States Mail, postage prepaid, addressed to the person at his/her last-known address at least five days in advance of the hearing. (Ord. 2433 § 7, 1990; Ord. 2217 § 2, 1984).

15.08.110 **REPORT-HEARING AND PROCEEDINGS.** At the time and place fixed for receiving and considering the report, the Hearing Officer shall hear and pass upon the report of the Director together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance. Thereupon, the Hearing Officer shall make such revision, correction and modification to the report as he may deem just, after which the report is submitted, or as revised, corrected or modified shall be confirmed. The hearing may be continued from time to time. The decision of the Hearing Officer shall be subject to an appeal to the City Council in the time and manner set forth in Sections 15.08.070 and 15.08.080. (Ord. 2433 § 7, 1990; Ord. 2217 § 2, 1984).

15.08.120 **ASSESSMENT OF COSTS AGAINST PROPERTY.** The confirmed cost of abatement of a nuisance upon any lot or parcel of land shall constitute a special assessment against the respective lot or parcel of land to which it relates; and, after its recording, as thus made and confirmed, the same shall constitute a lien on the property in the amount of the assessment. After the confirmation of the report, a copy thereof shall be transmitted to the tax collector for the City, whereupon it shall be the duty of the tax collector to add the amounts of the assessment, or assessments, to the next regular bills of taxes levied against the respective lots and parcels of land for municipal purposes; and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. (Ord. 2217 § 2, 1984).

15.08.130 **ALTERNATIVES.** A. Nothing in this chapter shall be deemed to prevent the City Council from ordering the City Attorney to commence any appropriate civil action to abate a

BUILDINGS AND CONSTRUCTION

nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this chapter; nor shall anything in this chapter be deemed to prevent the City from commencing a criminal action with respect to the nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this chapter.

B. If the City Council orders the City Attorney to commence any appropriate action to abate a nuisance, the City may recover its costs and attorneys fees as part of the judgment which may be recorded as an assessment against the property and constitute a lien thereon. This section grants specific authority to any court of competent jurisdiction to grant an award of costs and attorneys fees in favor of the City. This section for the recovery of attorneys fees may be used alternatively to, or in conjunction with, the procedures set forth above; however, in no event may the City obtain a double recovery. Failure of a court to award attorneys fees as part of a judgment does not preclude the City from assessing costs against the property pursuant to procedure set forth above. (Ord. 2433 § 8, 1990; Ord. 2217 § 2, 1984).

15.08.140 EMERGENCY ABATEMENT. Notwithstanding any other provision of this chapter with reference to the abatement of public nuisance, whenever the City Administrator or his duly authorized representative determines that property, a building or structure is structurally unsafe, or constitutes a fire hazard, or is otherwise dangerous to human life, and such condition constitutes an immediate hazard or danger, he shall, without observing the provisions of this chapter with reference to abatement procedures, immediately and forthwith abate the existing public nuisance. (Ord. 2217 § 2, 1984).

15.08.150 VIOLATION—PENALTY. A. The owner or other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this chapter, or who violates an order of abatement made pursuant to Section 15.08.60, is guilty of a misdemeanor.

B. No person shall obstruct, impede or interfere with any representative of the City Council or with any representative of a City department or with any person who owns or holds any estate

ABATEMENT OF REAL PROPERTY NUISANCES

or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished and removed, or with any person to whom any such building has been unlawfully sold pursuant to the provisions of this code, whenever any such representative of the City Council, representative of the City, purchaser or person having any interest or estate in the building is engaged in vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this chapter. (Ord. 2433 § 8, 1990; Ord. 2217 § 2, 19134).

Chapter 15.10**EARTHQUAKE HAZARD REDUCTION
IN EXISTING BUILDINGS****Sections:**

- 15.10.010 Purpose.
- 15.10.020 Scope.
- 15.10.030 Definitions.
- 15.10.040 Rating classifications.
- 15.10.050 Administration.
- 15.10.060 General requirements.
- 15.10.070 Historical buildings.
- 15.10.080 Analysis and design.
- 15.10.090 Materials of construction.
- 15.10.100 Information required on plans.

RESIDENTIAL RENTAL INSPECTION

15.36.020 USE OF MOBILE HOMES FOR COMMERCIAL, ETC., PURPOSES. The use of mobile homes, trailers or coaches for office, commercial or manufacturing purposes shall be limited to temporary use only for a period of time not to exceed six months.

Application for temporary use permits shall be made to the Planning Director. He shall issue the permit if he finds that the proposed use complies with all applicable zoning ordinances including setback requirements, parking requirements and sign requirements. The permit shall not authorize any utility hook-ups, except temporary telephone or electrical service may be provided by means of a temporary power pole.

An additional time period may be authorized after a public hearing in each case under a Conditional Use Permit in accordance with procedures stated in Chapter 19.60. (Ord. 1091 § 1, 1974; Ord. 1018 § 2 (part), 1971; prior code § 8502).

Chapter 15.40

RESIDENTIAL RENTAL INSPECTION

Sections:

- 15.40.010 Definitions.
- 15.40.020 Required.
- 15.40.030 Utility connection.
- 15.40.040 Application—Filing.
- 15.40.050 Annual inspection required.
- 15.40.060 Reinspection.
- 15.40.065 Certificate—Contents and when void.
- 15.40.070 Exemptions.
- 15.40.080 Owner-occupied dwellings.
- 15.40.090 Interior inspection.
- 15.40.100 Appeals by aggrieved persons.
- 15.40.110 Violation—Penalty.
- 15.40.120 Enforcement—Public nuisance.
- 15.40.130 Penalties—Late filing.
- 15.40.140 Enforcement alternatives.

15.40.010 DEFINITIONS. A. "Director" means the Director of Community Development for the City of Azusa.

(Azusa 3-19-90)

BUILDINGS AND CONSTRUCTION

B. "Change of use" means to occupy a unit for other than a residence for one family.

C. "City" means the City of Azusa.

D. "Occupancy" means any person who occupied a unit, whether as an owner or tenant or permittee of the owner.

E. "Owner" includes the agent of the owner.

F. "Person" means the individual, partnership, corporation or association or the rental agent of any of the foregoing.

G. "Unit" means the residential dwelling unit in a single-family, two-family or multifamily residence building, which is not owner-occupied, excluding motels, hotels, rooming houses and boardinghouses and similar living accommodations. (Ord. 2389 § 1, 1989).

15.40.020 REQUIRED. No persons shall rent, lease, occupy or otherwise permit any dwelling unit which is hereafter vacated by the previous occupant thereof to be reoccupied until such unit is registered with the City of Azusa Community Development Department or provided with a certificate of exemption. (Ord. 2389 § 1, 1989).

15.40.030 UTILITY CONNECTION. No connection of utilities, including water, electricity, and gas, shall be made for any dwelling unit which has been vacated by its prior occupants unless such unit has been registered as required in this chapter and the owner presents proof of registration or proof of exemption to the utility company. (Ord. 2389 § 1, 1989).

15.40.040 APPLICATION—FILING. The owner of every rental unit shall, prior to renting or reoccupying a rental unit, obtain an annual registration and inspection certificate from the Community Development Director by filing a written application on a form to be prescribed by the Community Development Director and payment of an annual registration and inspection fee therefor. Said fees shall be set by separate resolution of the City Council in accordance with applicable State Law. (Ord. 2389 § 1, 1989).

RESIDENTIAL RENTAL INSPECTION

15.40.050 ANNUAL INSPECTION REQUIRED. The Community Development Director shall cause each rental property to be

RESIDENTIAL RENTAL INSPECTION

inspected at least once annually for compliance with applicable sections of State and local codes relating to zoning, building, health and safety, and property maintenance.

Where inspection reveals a violation, the property owner shall be provided with a written notice describing the violation, location and a reasonable time for compliance. (Ord. 2389 § 1, 1989).

15.40.080 REINSPECTION. Where violations are found, the property owner will be charged for all costs incurred by the City for obtaining compliance pursuant to provisions set forth in Section 15.08.100 et seq. of this Code. (Ord. 2389 § 2, 1989).

15.40.085* CERTIFICATE—CONTENTS AND WHEN VOID.

A. The rental registration certificate shall expire one (1) year from the date of issuance or upon change of property ownership.

B. The rental registration certificate shall state:

1. The date of issue.
2. The legal use of the property.
3. The address of the property.
4. The property owner's name and address.
5. A registration number.
6. The date of expiration.
7. Any other pertinent information. (Ord. 2389 § 1, 1989).

15.40.070: EXEMPTIONS. The requirement for an annual inspection and annual registration shall not apply to the following:

1. Owner-occupied dwellings.
2. Mobile home parks which have been issued a certificate of exemption.
3. Reconnection of utilities turned off by the utility for lack of payment. (Ord. 2369 § 1, 1989).

*Chapter 15.40 contained two sections numbered 15.40.060. The editor renumbered the second of these sections as 15.40.065. Subsequently, the city furnished a corrected ordinance adopting this change.

BUILDINGS AND CONSTRUCTION

15.40.080 **OWNER-OCCUPIED DWELLINGS.** All owner-occupied dwellings shall be issued a certificate of exemption in lieu of a registration certificate upon request in conjunction with a Real Property Records Report. Said certificates of exemption shall be valid for thirty days from date of issue and then voided. Requests for exemption will be processed and issued upon receipt of the City's copy of the Real Property Records Report signed by the buyer. No fee shall be charged for certificate of exemption issued in conjunction with a Real Property Records Report. (Ord. 2389 § 1, 1989).

15.40.090 **INTERIOR INSPECTIONS.** Where the exterior inspection gives evidence of possible interior defects or an extreme state of exterior dilapidation exists, the inspector shall have the right to make an interior inspection. Nothing in this chapter shall prohibit an interior inspection of any dwelling unit where the director or his designee requests, and is granted, entry by the owner or occupants of a unit. (Ord. 2389 § 1, 1989).

15.40.100 **APPEALS BY AGGRIEVED PERSONS.** Any person aggrieved by the determination of the Director under this chapter may appeal to the City Administrator. Said appeal must be filed in writing within seven days after the notification to the aggrieved person of the decision being appealed. Said appeal must be in writing and must state with particularity the reason why the Director's decision is being contested. The City Administrator shall issue a written decision on the appeal within thirty days of the receipt of the written appeal. The aggrieved person shall be notified in writing of the decision on the appeal. (Ord. 2389 § 1, 1989).

15.40.110 **VIOLATIONS-PENALTY.** Any person who violates any provision of this chapter is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500.00, or by imprisonment in jail for a period not exceeding six months, or by both such fine and imprisonment. (Ord. 2389 § 1, 1989).

15.40.120 **ENFORCEMENT-PUBLIC NUISANCE.** It shall be considered a public nuisance to have or maintain any rental

RESIDENTIAL RENTAL INSPECTION

property which, upon inspection, fails to comply with state and local laws as they relate to housing standards, property maintenance, building codes or local zoning requirements. The director shall have the power to require correction of deficiencies identified through property inspection by using the procedure set forth in Section 15.08.010 et seq. of this Code. (Ord. 2339 § 1, 1989).

15.40.130 PENALTIES—LATE FILING. Any person who fails to apply for an annual registration and inspection certificate as required by this chapter, and within the times required by this chapter, shall pay a penalty of ten percent of the application fee set pursuant to Section 15.40.040 for each month or part thereof after the date the application was due. The penalty may be waived or abated by the Director of Community Development for good cause. (Ord. 2442 § 1, 1990).

15.40.140 ENFORCEMENT ALTERNATIVES. A. Nothing herein shall prevent the enforcement of this chapter by criminal, civil, or administrative actions either undertaken individually or in conjunction with other remedies.

B. The enforcement of this chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this chapter. (Ord. 2442 § 2, 1990).

(The next page is 373)

REAL PROPERTY RECORDS REPORT

Chapter 15.06

REAL PROPERTY RECORDS REPORT

Sections:

- 15.06.010 Authority and purpose.
- 15.06.020 Definitions.
- 15.06.030 Disclosure report required.
- 15.06.040 Issuance of report.
- 15.06.050 Delivery of report.
- 15.06.060 Exceptions.
- 15.06.070 Penalties.
- 15.06.080 Nonliability of City.

15.06.010 **AUTHORITY AND PURPOSE.** The City Council of the City of Azusa does hereby find, determine and declare that

A. This chapter is adopted pursuant to the authority of Article 8.6 (commencing with Section 38780), Chapter 10, Part 2, Division 3, Title 4 of the Government Code of the State of California and other applicable law.

B. Citizens, property owners, and potential property owners in the City of Azusa need information about property proposed for sale or transfer in order to adequately protect their interests in a sale or transfer. Building and zoning records of the City constitute an important source of such information. Therefore, it is one of the purposes of this chapter to assist in, but not guarantee, the disclosure of information from City records about real property within the City:

C. It is also a purpose of this chapter to assist the City in abating public nuisances and enforcing its building and zoning ordinances by identifying properties in violation of its Codes. (Ord. 2313 § 1, 1986).

15.06.020 **DEFINITIONS.** A. "Agreement of sale" shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred or conveyed from one owner to another owner.

BUILDING AND CONSTRUCTION

B. "Owner" shall mean any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any property.

C. "Property" shall mean any unimproved or improved real property situated in the City and shall include the building or structures located on said property. (Ord. 2313 § 1, 1986).

15.06.030 DISCLOSURE RETORT REQUIRED. Prior to entering into an agreement of sale of any property, the owner or his authorized representative shall obtain from the City a real property records report ("report") as described in Section 15.06.040. (Ord. 3313 § 1, 1986).

15.06.040 ISSUANCE OF REPORT. A. Upon application of the owner or his authorized agent on a form prescribed by the City and the payment to the City of a fee established by resolution of the City Council, the Community Development Director, or his authorized representative, shall review pertinent City records insofar as they are available, and, within ten business days after receipt of a complete application, deliver to the applicant a report which contains the following information about the subject property insofar as it is available as of the date the report is issued:

- (1) The street address and assessor number;
- (2) The zone classification as set forth in this Code;
- (3) The occupancy as indicated and established by permits of record;
- (4) Variances, conditional use permits, exceptions, precise plans, and other pertinent administrative or legislative acts of record; and
- (5) Any special restrictions of use or development of record.

B. The report shall expire, and may not be used for the purpose of compliance with Section 15.06.050 six months after issuance. (Ord. 2313 § 1, 1986).

REAL PROPERTY RECORDS REPORT

15.06.050 DELIVERY OF REPCRT. The report shall be delivered by the property owner, or the authorized designated representative of the owner, to the buyer or transferee of the property prior to the execution of the agreement of sale. The buyer or transferee shall execute a receipt therefor as furnished by the City, and said receipt shall be delivered to the Community Development Director or his authorized representative as evidence of compliance with the provisions of this section. (Ord. 2313 § 1, 1986)

15.06.060 EXCEPTIONS. The provisions of this chapter shall not apply to the following:

A. The first sale of residential or commercial buildings or condominiums located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale.

B. Mobile home and trailers occupying land on a month-to-month rental or annual lease agreement where land sales are not involved and the use is in compliance with local zoning requirements.

C. Building and properties acquired or conveyed by the City. (Ord. 2313 § 1, 1986).

15.06.070 PENALTIES. A. No sale or exchange of residential or commercial property shall be invalidated solely because of the failure of any person to comply with any provisions of this chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this chapter.

R In cases where property has already changed hands and the City requests a seller to provide a report after a sale or transfer of property has taken place, an additional fee in the amount of fifty percent of the original fee shall be required if the application fee is not paid within ten days of notice by the City. (Ord. 2313 § 1, 1986).

15.06.080 NONLIABILITY OF CITY. The issuance of the real property records report is not a warranty or representation by the City that the subject property or its present use is or is not in

BUILDINGS AND CONSTRUCTION

compliance with the law. The City does not represent or warrant that the information contained in the report will always be complete and/or accurate, and all persons receiving the report should independently verify the information contained therein before relying upon it. Neither the enactment of this chapter nor the preparation of and delivery of any report required hereunder shall impose any mandatory duty upon the City to completely and accurately report the information from its records or impose any liability upon the City for any errors or omissions contained in said report. (Ord. 2313 § 1, 1986).

3. Adjournment

July 17, 1991

RECEIVED
1991 JUL 30 10 59
ALICE H. REMSHE
CITY CLERK
CITY OF LOS ANGELES

City of Los Angeles
attn: (Lee) Bennett
Dear Mr. Bennett:
I am not able to be
in person at Aug 28
as I did my letter concerning
recently managed property
names, read at the check please
again.

I need to know in my home
on the east side of San Diego
and 3 times. My home has been
abandoned twice. Also, the house
with door the San Diego as well
as the house next to it.
I have made down the St. Mary
meeting committee - without any
representation.
I would like to bring attention
to our park - something needs to
be done to make it a walkable home
pleasant and quiet to live in

Thank you,
Nancy Hargis
344 E. FM ST.



Collins Realty

2401 W. Turner Rd., Ste. 300
Lodi, California 95242
Business (209)369-8436
Fax (209)369-0169

August 14, 1991

LODI ASSOCIATION OF REALTORS
777 South Ham Lane
Lodi, Ca 95242

I wish to make this means to express my concerns regarding the RESIDENT MANAGER/PROPERTY MAINTENANCE and the RIGHT TO FARM ordinances under consideration for adoption by the City of Lodi.

As a Lodi resident, local real estate agent for approximately 15 years, and a landlord with rental properties in Lodi, I am deeply concerned with these issues.

Re:

Resident Managers I do not feel it would be economically feasible for property owners to be required to have resident managers for **less** than the 16 units which now **are** required by the California Department of Real Estate. I can appreciate that the city may need to know the name of someone to call in case of an emergency, but this could be merely an addition to existing records.

A RESIDENTIAL RENTAL INSPECTION provision each year or each time a property is vacated, sounds like meddling in private business. Aren't there means available now to take care of health hazards, safety, and other violations? The Police Department seems to be the logical enforcing agency for any drug or illegal practices thru existing laws and Health and Safety codes. I would certainly be in favor of giving the police more authority and less authority to a city bureaucracy that will only grow and become more authoritative, while increasing costs, and at the same time decreasing private property rights.

Lodi is not attracting many landlords now, because of the unfavorable tax situation, but add more problems and expense and you will see the available single family rental properties in Lodi diminish. This means fewer lower income families being able to live in Lodi.



Each Office Is Independently Owned And Operated

RIGHT TO FARM ORDINANCE: Once again the Real Estate industry is going to be made responsible **for** the disclosure of yet another fact regarding our environment, health, hazards, toxic waste, comfort, etc., in addition to the property itself. Each time this happens, we open ourselves to more personal and professional liability and lawsuits. Even if they are unfounded, we must defend ourselves.

The current laws now require the signatures of all parties on a Property Transfer Disclosure Statement on the transfer of property titles. Century 21 Collins Realty also has additional disclosures regarding possible formaldehyde, toxic waste, radon gas, and asbestos, as well as the structural problems. I do not think one more, related to farming practices specifically, is necessary. Simply signing the disclosure **does** not negate the possibilities of further complaints or lawsuits. ie:

"It wasn't explained to me properly"

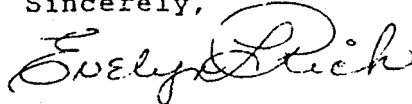
"I didn't understand".

"I had no experience with which to relate the information."

I stand opposed to the requirement of any further disclosures that will require licensed real estate agents to obtain signatures, or a requirement of a signed refusal affidavit, if the buyer refuses to sign the disclosure.

Will you please relate my concerns to the City of Lodi.

Sincerely,



Evelyn L. Rich, Realtor
Century 21 Collins Realty
Home: 2305 Eilers Lane
Lodi, Ca. 95242

CC: City Council



Lodi
Memorial Hospital
Foundation, Inc.

OFFICERS

Robert Mullen
President

Ronald Mettler
Vice President

Laurence Littleton
Secretary

Dixie Hughes Smith
Chief Financial Officer

DIRECTORS

George Barber

Alfred Denier

Amy Farnsworth

Robert Friedberger

Henry Graves

Carolyn Gordon

Joseph K. Handel

H. E. Hoff, M.D.

James Hoff, M.D.

Robert Hunnell

Frank Johnson, O.D.

Jane Klemeyer

John Metz

Mary Anne Poore

Richard Sandford

Frank Sasaki

Ben Schaffer

Vickie Van Steenberge

EXECUTIVE
DIRECTOR

Bill Dauer

June 26, 1991

Randy Snider
Wentland-Snider and Associates
301 South Ham Lane
Lodi, California 95240

Dear Randy:

I know Councilmen always love to hear from constituents so I bless you with this note,

Perhaps we have an ordinance that house and business numbers must be displayed or maybe there is no law. As you drive around town looking for an address, all too often a displayed number is the exception rather than a rule,

In a block of commercial businesses sometimes there is one or two numbers maximum. Whether these companies lose business because of lack of identification is questionable, but it would certainly aid the consumer, I have lived in towns where a service organization took this on as a project and everyone seemed to be pleased.

Secondly, we all consider Lodi to be a great, attractive, livable community. Yet we have some ugly blighted areas, that seemingly could be changed, if handled correctly,

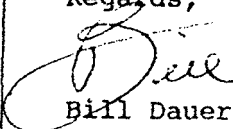
Two examples are the winery site at Turner Road and Sacramento and a junk yard at Church and Lockeford. You know others, but these have been around for a long time and they get worse weekly.

An official city beautification committee could be formed (people like to be appointed to city commissions or committees) and they could play upon the public's civic interest to clean up the bad spots,

If their pleas are disregarded then existing statutes could be enforced.

We have used the carrot-stick approach this year with our home owners group with great success. Lodi is great and I only want it to be even better.

Regards,


Bill Dauer



GARY BRANDT REALTY

APPRAISALS • REAL ESTATE

314 WEST LOCKEFORD STREET, LODI, CALIFORNIA 95240

Phone 368-2465

MULTIPLE
LISTING
SERVICE
MLS

AUG 22 1991

City Attorney's Office

RE: PROPERTY MANAGER AND PROPERTY MAINTENANCE ORDINANCE

DEAR COUNCILMEN:

I HAVE BEEN A REALTOR AND LANDLORD FOR OVER 20 YEARS IN LODI AND EACH YEAR I SEE THE STRUGGLE PEOPLE HAVE TO FIND AFFORDABLE HOUSING IN LODI. THIS PROBLEM IS GETTING WORSE EACH YEAR. EACH NEW FEE ADDS MORE TO THIS COST OF HOUSING. I RESPECTIVELY ASK THAT YOU CONSIDER VERY CAREFULLY ANYTHING THAT WILL DRIVE UP THE PRICE OF HOUSING MORE. WILL THE RESULTS OF ANOTHER ORDINANCE BE WORTH THE COST? IS THERE A MORE ECONOMICAL APPROACH TO GET THE SAME RESULTS? THERE IS A NEW AWARENESS THRU OUT THE COUNTRY OF JUST HOW MUCH THE INFLATION OF HOUSING IS CAUSED BY GOVERNMENT FEES AND RED TAPE. WHILE THESE FEES AND REGULATIONS MAY HAVE COME ABOUT WITH GOOD INTENTIONS, THE VALUE TO THE MAJORITY OF THE CONSUMERS IS ALMOST MEANINGLESS, AND MANY TIMES DETERMINAL, IN THE FORM OF UNNECESSARY HIGH PRICES.

PLEASE ASK YOURSELF THESE QUESTIONS:

- A. WHAT WOULD THESE INSPECTIONS COST?
- B. WHO PAYS FOR THESE INSPECTIONS?
- C. WOULD ALL PROPERTY SALES REQUIRE INSPECTIONS?
WHY **DOES** A 2 YEAR OLD BUILDING NEED A CITY INSPECTION?
MANY, IF NOT MOST OF THE TIME, THIS INSPECTION WOULD END UP COSTING THE CONSUMER, AND THE VALUE OF THE INSPECTION WOULD BE OF VERY LITTLE USE TO THEM. ANOTHER WASTE OF THE CONSUMERS' HARD EARNED MONEY.
- D. THERE ARE MANY HOME INSPECTION FIRMS AVAILABLE TO BUYERS, IF THEY DESIRE AN INSPECTION. OUR CITY SHOULD NOT COMPETE WITH FREE ENTERPRIZE. WILL THE CITY GUARANTEE THEIR INSPECTIONS? I THINK NOT. WHAT RECOURSE WOULD THE BUYER HAVE WITH THE CITY IF THE INSPECTOR MISSED SOMETHING? HE WOULD HAVE RECOURSE WITE A PRIVATELY OWNED HOME INSPECTION COMPANY,



GARY BRANDT REALTY

APPRAISALS • REAL ESTATE

314 WEST LOCKEFORD STREET, LODI, CALIFORNIA 95240

Phone 368-2465

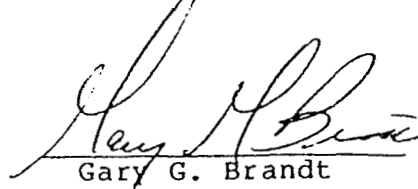
MULTIPLE
LISTING
SERVICE
MLS

- E. THERE ARE ALREADY MANY STATE LAWS, INCLUDING THE RECENT LAW CONCERNING SELLERS DISCLOSURE OF KNOWN DEFECTS UPON THE SALE OR TRANSFER OF PROPERTY, THE REQUIREMENT OF OWNERS OR THEIR MANAGING AGENTS TO HAVE THEIR NAMES POSTED ON RENTALS, AND THE REQUIREMENT OF ON-SITE MANAGERS ON COMPLEXES OF 16 OR MORE UNITS. WOULDN'T THESE LAWS, IF ENFORCED, SPEAK TO MOST OF OUR CONCERNS? BOTH BUYERS AND TENANTS HAVE MANY AVENUES TO REPORT VIOLATIONS. { STATE, COUNTY HEALTH DEPT., CITY BUILDING AND FIRE DEPARTMENTS}.
- F. EVERY CONCERN MENTIONED IN THE ORDINANCE FORMAT OF JULY 17, IS ALREADY ADDRESSED BY LAWS ON THE BOOKS. WOULD MORE LAWS AND FEES MAKE A DIFFERENCE? COULD WE GET BETTER RESULTS BY MAKING THE PUBLIC MORE AWARE OF THESE LAWS BY A SERIES OF NEWS STORIES IN THE SENTINEL OR **SOME** SUCH FORMAT? OR WHEN THE FIRE DEPARTMENT MAKES THEIR YEARLY INSPECTIONS, WHY COULDN'T THEY **SEE** IF THE OWNER OR AGENT HAS HIS NAME PROPERLY POSTED ON THE PROPERTY AND THAN FOLLOW UP WITH ENFORCEMENT OF VIOLATORS.

GENTLEMEN, WE MUST NOT LET OUR EMOTIONS OVERRIDE LOGIC. WE WOULD ALL LIKE TO HAVE LODI A NEAT WELL-MAINTAINED CITY---BUT THIS IDEA OF MORE MANAGERS AND MORE CITY **INSPECTIONS** WILL NOT DO IT. IF ANYTHING, BECAUSE OF ANOTHER INCREASE IN HOUSING COSTS, THEY MAY FORCE **PEOPLE** TO VIOLATE THE LAW TO PROVIDE HOUSING FOR THEIR FAMILY. I SINCERELY BELIEVE BY EDUCATING THE PUBLIC AND ENFORCEMENT OF CURRENT **LAWS** WE **CAN** PROVIDE SAFE AFFORDABLE HOUSING TO ALL THE PEOPLE OF LODI.

I APPRECIATE YOU TAKING YOUR TIME TO READ THESE THOUGHTS.

SINCERELY,



Gary G. Brandt

8/14/91 FLL

DECLARATION OF MAILING

On July ^{22 jml} 19, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July ^{22 jml} 19, 1991, at Lodi, California.

Alice M. Reimche
City Clerk

Jennifer M. Perrin
Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI


CARNEGIE FORUM
305 West Pine Street, Lodi

CITY COUNCIL AGENDA SPECIAL MEETING -

Date: Wednesday, August 14, 1991
Time: 7:30 p.m.

1. Roll call to be recorded by the City Clerk
2. Regular Calendar
 - a) Consideration of resident manager/property maintenance ordinance formats as presented by City Attorney
3. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this Agenda was posted at a public place freely accessible to the public 24 hours a day.



Alice M. Reimche, City Clerk

For information concerning this Agenda
please contact Alice M. Reimche, City Clerk,
Telephone - 333-6702

AGN8#14/TXTA.02J/AGENDAS

NOTICE OF SPECIAL COUNCIL MEETING
MAILING LIST
EXHIBIT "B"

Phillip A. Pennino
1502 Keagle Way
Lodi, CA 95242

John R. Snider
2328 Brittany Lane
Lodi, CA 95240

David M. Hinchman
1131 South Pleasant Avenue
Lodi, CA 95240

James W. Pinkerton
916 West Turner Road
Lodi, CA 95240

Jack A. Sieglock
1702 Timberlake Circle
Lodi, CA 95242

KCVR Radio
P. O. Box 7871
Stockton, CA 95207

KSTN Radio
3171 Ralph Avenue
Stockton, CA 95206

City Clerk
City of Lodi

Community Development Director

Michael A. Lapenta
1718 Edgewood Drive
Lodi, CA 95240

Susan Hitchcock
141 South Avena Avenue
Lodi, CA 95240

Roger Stafford
801 South Mills Avenue
Lodi, CA 95240

James E. Griffith
1020 Bradford Circle
Lodi, CA 95240

Dorance Ochs
Lodi Senior Citizens Commission
1812 Burgundy Drive
Lodi, CA 95240

COUN/16/TXTA.02J

Tamma Adamek
Lodi News Sentinel
P.O. Box 1360
Lodi, CA 95240

King Videocable
Attn: Ms. Deanna Enright
1521 South Stockton Street
Lodi, CA 95240

Stockton Record
City Editor
P.O. Box 900
Stockton, CA 95209

Lodi Magazine
P. O. Box 648
Lodi, CA 95241

City Manager
City of Lodi

Assistant City Manager
City of Lodi

City Attorney
City of Lodi

Public Works Director
City of Lodi

Craig Rasmussen
1111 West Tokay Street
Lodi, CA 95240

Larry Mindt
P.O. Box 782
Lodi, CA 95241

Harry Marzolf
445 Madrone Court
Lodi, CA 95240

Neumiller & Beardslee
Attention: Thomas Terpstra
5th Floor Waterfront Office Tower II
509 West Weber Avenue
Stockton, CA 95203

RESIDENT MANAGER/PROPERTY MAINTENANCE
ORDINAMCE **FORMATS**
MAILING LIST
EXHIBIT B

Craig Ackerman
313 East Elm Street
Lodi, CA 95240

Dee Nietschke
1806 West Kettleman Lane ID
Lodi, CA 95242

Gary Brandt
314 West Lockeford Street
Lodi, CA 95240

Violet George
344 East Elm Street
Lodi, CA 95240

J. Jeffrey Kirst
P.O. Box 1259
Woodbridge, CA 95258

Virginia Lahr
311 East Elm Street
Lodi, CA 95240

Tony Canton
1029 South Church Street
Lodi, CA 95240

Gerald J. Vanderlans
Vanderlans & Sons, fnc.
P.O. Box 758
Lodi, CA 95241

8/28/91 FU

DECLARATION OF MAILING

On July 24, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1991, at Lodi, California.

Alice M. Reimche
City Clerk


Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

CITY COUNCIL AGENDA

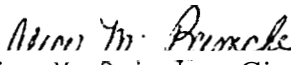
SPECIAL MEETING—

Date: Rescheduled date

Time: Wednesday, August 28, 1991
7:30 p.m.

1. Roll call to be recorded by the City Clerk
2. Regular Calendar
 - a) Consideration of resident manager/property maintenance ordinance formats as presented by City Attorney
3. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, **this** Agenda was posted at a public place freely accessible to the public **24** hours a day.


Alice M. Reimche, City Clerk

For information concerning this Agenda
please contact Alice M. Reimche, City Clerk,
Telephone - 333-6702

AGN8#14/TXTA.02J/AGENDAS

NOTICE OF SPECIAL COUNCIL MEETING
MAILING LIST
EXHIBIT "B"

Phillip A. Pennino
1502 Keagle Way
Lodi, CA 95242

John R. Snider
2328 Brittany Lane
Lodi, CA 95240

David M. Hinchman
1131 South Pleasant Avenue
Lodi, CA 95240

James W. Pinkerton
916 West Turner Road
Lodi, CA 95240

Jack A. Sieglock
1702 Timberlake Circle
Lodi, CA 95242

KCVR Radio
P. O. Box 7871
Stockton, CA 95207

KSIN Radio
3171 Ralph Avenue
Stockton, CA 95206

City Clerk
City of Lodi

Community Development Director

Michael A. Lapenta
1718 Edgewood Drive
Lodi, CA 95240

Susan Hitchcock
141 South Avena Avenue
Lodi, CA 95240

Roger Stafford
801 South Mills Avenue
Lodi, CA 95240

James E. Griffith
1020 Bradford Circle
Lodi, CA 95240

Dorance Jchs
Codi Senior Citizens Commission
1812 Burgundy Drive
Lodi, CA 95240

COUN/16/TXTA.02J

Tamma Adamek
Lodi News Sentinel
P.O. Box 1360
Lodi, CA 95240

King Videocable
Attn: Ms. Deanna Enright
1521 South Stockton Street
Lodi, CA 95240

Stockton Record
City Editor
P.O. Box 900
Stockton, CA 95209

Lodi Magazine
P. O. Box 648
Lodi, CA 95241

City Manager
City of Lodi

Assistant City Manager
City of Lodi

City Attorney
City of Lodi

Public Works Director
City of Lodi

Craig Rasmussen
1111 West Tokay Street
Lodi, CA 95240

Larry Mindt
P.O. Box 782
Lodi, CA 95241

Harry Marzolf
445 Madrone Court
Lodi, CA 95240

Neumiller & Beardslee
Attention: Thomas Terpstra
5th Floor Waterfront Office Tower II
509 West Weber Avenue
Stockton, CA 95203

RESIDENT MANAGER/PROPERTY MAINTENANCE
ORDINANCE FORMATS
HAILING LIST
EXHIBIT B

Craig Ackerman
313 East Elm Street
Lodi, CA 95240

Dee Nietschke
1806 West Kettleman Lane #D
Lodi, CA 95242

Gary Brandt
314 West Lockeford Street
Lodi, CA 95240

Violet George
344 East Elm Street
Lodi, CA 95240

J. Jeffrey Kirst
P.O. Box 1259
Woodbridge, CA 95258

Virginia Lahr
311 East Elm Street
Lodi, CA 95240

Tony Canton
1029 South Church Street
Lodi, CA 95240

Gerald J. Vanderlans
Vanderlans & Sons, Inc.
P.O. Box 758
Lodi, CA 95241